



Linda S. Adams
Acting Secretary for
Environmental Protection

California Regional Water Quality Control Board San Diego Region

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA

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Edmund G. Brown Jr.
Governor

May 18, 2010

Certified Mail – Return Receipt Requested

7009 1410 0002 2347 6873
Mr. Kirin Shah
K Square Financial
1602 East Valley Parkway
Escondido, CA 92025

7010 1060 000 4952 6757
Mr. Eric Roehl
Chevron Environmental
145 South State College Boulevard, Suite 400
Brea, CA 92821-2292

Dear Mr. Shah and Mr. Roehl:

SUBJECT: NOTICE OF VIOLATION R9-2011-0030

Enclosed is Notice of Violation (NOV) No. R9-2011-0030 for violations of Investigative Order No. R9-2010-0021, issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

I urge both parties to work together to achieve compliance with the Investigative Order. My staff is available to meet with you to discuss this matter. Please inform me within ten business days of receipt of this letter when you intend to submit a workplan that includes the elements to produce an adequate Site Assessment Report described in Directive A.2. of Investigative Order No. R9-2010-0021.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

California Environmental Protection Agency

May 18, 2011

In the subject line of any response, please include the requested **"In reply refer to:"** information located in the heading of this letter. For questions pertaining to the subject matter, please contact Sue Pease at (858) 637-5596 or spease@waterboards.ca.gov.

Sincerely,



JULIE CHAN
Chief, Cleanup and Land Discharge Branch

JAC:clc:sjp

c://KSquare_NOV.doc

Enclosure: NOV No. R9-2011-30

cc: Ms. Diana Conkle, State Water Resources Control Board, Underground Storage Tank
Cleanup Fund, P.O. Box 944212, Sacramento CA 94244-2120

Mr. Andy Donan, Donan Environmental Services, Inc., P.O. Box 1839, Vista, CA 92085-
1839

Mr. Delson Gregory West, 13053 Trail Dust Ave., San Diego, CA 92129

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION**

Mr. Kirin Shah KSquare Financial 1602 East Valley Parkway Escondido, CA 92025	Mr. Eric Roehl Chevron Management 145 South State College Boulevard, Suite 400 Brea, CA 92821-2292	NOTICE OF VIOLATION No. R9-2011-0030 Violations of Order No. R9-2010-0021 May 18, 2011
T0607364492:spease		

Mr. Kirin Shah and Mr. Eric Roehl are hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

Mr. Kirin Shah and Chevron are in violation of San Diego Water Board Investigative Order No. R9-2010-0021.

A. Summary of Violation

Failure to provide a Site Assessment Workplan per Directive A.1 in Addendum No. 1 to Investigative Order No. R9-2010-0021 by 5:00 pm on **April 30, 2011**. Directive A.1 requires a workplan adequate to guide the collection of information needed to produce an adequate Site Assessment Report described in Directive A.2.

The Site Assessment Workplan by Donan Environmental, Inc., dated March 7, 2011 submitted by Mr. Kirin Shah was inadequate. It does not contain all the elements needed to produce an adequate Site Assessment Report described in Directive A.2. The Site Assessment Report is to contain source characterization, geologic characterization, groundwater flow characterization, waste constituent characteristics, groundwater monitoring well information if wells are installed, field methodologies, laboratory analytical methods, sample locations and numbers, and a human health vapor risk assessment. The workplan only proposed collecting data for a human health vapor risk assessment.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$5,000 per day of violation (Water Code section 13268) and/or any of the following enforcement options:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

Questions pertaining to this Notice of Violation should be directed to Ms. Sue Pease at 858-637-5596 or spease@waterboards.ca.gov.



JULIE CHAN

Chief, Cleanup and Land Discharge Branch